REMARKS

Applicant is in receipt of the Final Office Action mailed April 11, 2007. Claims 1 – 30 are pending in the application.

Section 102 and 103 Rejections

Claims 1 – 6, 8 – 14, 16 – 22, and 24 – 30 are rejected under 35 U.S.C. §102(b) as being anticipated by Turpin, et al. (U.S. Patent No. 6,144,992), hereinafter "Turpin." Claims 7, 15, and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Turpin in view of Vigue, et al. (U.S. Patent No. 6,983,326), hereinafter "Vigue." Applicant respectfully traverses the rejections in light of the following remarks.

Claim 1 recites:

A method comprising:
receiving software at one or more remote computer systems; and
receiving instructions for installing the software at the one or more remote computer systems, wherein the instructions for installing the software comprise one or more messages in a portable format;
translating the instructions for installing the software from the portable format to an executable format at each of the one or more remote computer systems, thereby generating executable instructions; and
executing the executable instructions to install the software at each of the one or more remote computer systems.

Regarding claim 1, Applicant respectfully submits that Turpin fails to teach or suggest a method comprising "translating the instructions for installing the software from the portable format to an executable format at each of the one or more remote computer systems, thereby generating executable instructions" in combination with the remaining features of claim 1. In rejecting this limitation of claim 1, the Office Action cites the Abstract and col. 5, lines 19 – 25 of Turpin. In col. 5, lines 19 – 25, Turpin discusses the operation of an IMGSLAVE program resident on recipient (slave) computer systems:

The IMGSLAVE program operates in only one mode of operation. Specifically, it opens a communication socket on the network, listens for data received on that socket, and then processes the data received on the socket. Each packet of data received on the socket contains a command field which tells IMGSLAVE what the data contained in the packet is used for and how the data is to be processed.

Therefore, Turpin's recipient computer system receives packets of data and executes commands located in the command field of each packet to process the data accordingly. The commands disclosed by Turpin include functions executable by the slave to respond to the master to indicate participation in the download, ask the master to resend the data, and disconnect the slave from the master (col. 5, lines 30 – 47). The commands disclosed by Turpin also include functions executable by the master to compare the geometry of the master image with that of the slave, acknowledge that the slave has joined the process and that the master knows the slave is ready, write the data to a receive buffer, write the data to the receive buffer and flush the data to disk, skip this track, indicate that the master has finished sending data, exit the master program, and acknowledge the slave disconnect (col. 5, lines 30 – 47). Applicant submits that no element of Turpin, including the commands listed above, is operable to translate the instructions for installing the software from the portable format to an executable format at each of the one or more remote computer systems, thereby generating executable instructions.

In the "Response to Argument" section of the Final Office Action, the Examiner argues that the "processing of the packet in Turpin is the 'translating the instructions for installing the software from the portable format to an executable format at each of the one or more remote computer systems, thereby generating executable instructions.'" Applicant respectfully disagrees. As discussed above, Turpin's recipient computer system receives packets of data and executes commands found in the command field of each packet. There is no teaching or suggestion in Turpin that instructions found in a packet are translated from one format to another format. Furthermore, for at least the reasons discussed above, there is no teaching or suggestion in Turpin that the instructions are translated from a portable format to an executable format or that executable instructions are thereby generated.

Applicant reminds the Examiner that anticipation requires the presence of <u>each and every limitation</u> of the claimed invention, <u>arranged as in the claim</u>, in a single prior art reference. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The <u>identical</u> invention must be shown <u>in as complete detail</u> as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Turpin fails to disclose a method comprising "translating the instructions for installing the software from the portable format to an executable format at each of the one or more remote computer systems, thereby generating executable instructions" in combination with the remaining features of claim 1. Therefore, Turpin cannot be said to anticipate claim 1.

Thus, for at least the reasons discussed above, the rejection of claim 1 is not supported by the cited art, and removal thereof is respectfully requested. Independent claims 9 and 17 are believed to patentably distinguish over Turpin for at least the same reasons. Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

For at least the reasons discussed above, Applicant submits that all pending claims are in condition for allowance and respectfully requests withdrawal of the §102(b) and §103(a) rejections.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5602-12200/JCH.

Also filed herewith are the following items:
☐ Request for Continued Examination
☐ Terminal Disclaimer
☐ Power of Attorney By Assignee and Revocation of Previous Powers
☐ Notice of Change of Address
☐ Other:

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Respectfully submitted,

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AGENT FOR APPLICANT

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Date: <u>June 11, 2007</u>   MSW/RPH